

REMARKS

Assignee respectfully notes that a Power of Attorney was filed for this application on November 17, 2005. However, correspondence continues to be mailed to the previous law firm. Appropriate corrective measures are respectfully requested.

The present patent application has been reviewed in light of the office action, dated February 22, 2006, in which the disclosure is objected to because of informalities. Claims 6, 11, 15, 20, 26, 31-32, 35, and 37-39 are objected to due to various Informalities. Claims 3, 6, 10, 13, 15, 18, 20, 25, 27, 30, 32, 33, 35, and 37-39 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claims 4-7, 9, 11-15, and 40-41 are rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-11 and 30-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fujisawa et al., U.S. Patent No. 6,785,290 (hereinafter "Fujisawa"). Claims 16-20, 22-27, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa in view of Baydar et al., U.S. Patent No. 6,049,550 (hereinafter "Baydar"). Reconsideration of the above-referenced patent application in view of the foregoing amendment and following remarks is respectfully requested.

Claims 1-41 are pending. Claims 1-28, 30-35, and 37-41 have been amended.

Rejections under 35 U.S.C. § 112 and Objections Due to Informalities

Claims 6, 11, 15, 20, 26, 31-32, 35, and 37-39 are objected to due to various Informalities. Claims 3, 6, 10, 13, 15, 18, 20, 25, 27, 30, 32, 33, 35, and 37-39 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written

description requirement. Claims 4-7, 9, 11-15, and 40-41 are rejected under 35 U.S.C. § 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The aforementioned claims have been amended to correct the informalities pointed out by the Examiner and/or to overcome the § 112 rejections. The amendments are fully supported by the original disclosure. No new matter has been introduced. The above amendments were made to clarify Assignee's claims and do not narrow the scope of the amended claims. In light of this, Assignee asserts that no prosecution history estoppel should result from the above amendments.

Rejections under 35 U.S.C. § 102(e) and § 103(a)

Claims 1-11 and 30-41 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fujisawa. Claims 16-20, 22-27, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujisawa in view of Baydar.

However, neither Fujisawa nor Baydar, either alone or in combination, disclose a "packet diversion logic and a first packet insertion logic" associated with "an egress diverted packet buffer, an egress undiverted packet buffer coupled between the first packet diversion logic and the first packet insertion logic, and an egress inserted packet buffer" as claimed in amended claim 1. To the contrary, Fujisawa discloses a scheduler 16 (see Figure 8D of Fujisawa) that provides control for buffers 56 that are not disclosed as performing as diverted, undiverted, and/or insertion packet buffers. Also, there is no mention in Fujisawa of scheduler 16 as performing packet diversion and insertion operations as claimed in claim 1. Further, the Examiner points to buffer 44A of Figure 8D of Fujisawa as being an egress diverted packet buffer. However, as can be seen in Figure 8D and the associated discussion in Fujisawa, scheduler 16

does not control operation of buffer 44A as would be necessary for buffer 44A to perform the functions of an egress diverted packet buffer such as the buffer claimed in claim 1. For at least these reasons, claim 1 is not anticipated by and is patentable over Fujisawa and Baydar. Independent claims 8, 11, 16, 23, 30, 33, 36, and 39 include similar limitations as claim 1. Therefore, independent claims 1, 8, 11, 16, 23, 30, 33, 36, and 39, and the claims that depend from them, are believed to patentably distinguish from the cited patents. It is, therefore, respectfully requested that the Examiner withdraw the rejection as to these claims.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: July 5, 2006

/Calvin E. Wells Reg. No. 43,256/

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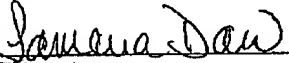
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